Single Bench (1)

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 4524 / 2004

PETITIONER:

Smt. K. Adilaxmi Rao, W/o Shri K.S.R.Rao aged about 37 years, Occupation- Auxiliary Nursing Midwife, R/o Gandhi Nagar Ward, Jagdalpur, District Bastar, Chhattisgarh

VERSUS

RESPONDENTS:

1. State of Chhattisgarh Through the Secretary, Department of General Administration, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. State of Chhattisgarh Through the Secretary, Department of Health, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

3. The Director Directorate, Department of Health Services , District Raipur Raipur (C.G.)

4. The Chief Medical Officer Maharani Hospital, Jagdalpur, District Bastar (C.G.)

5. The Block Medical Officer Primary Health Center, Nangoor, District Bastar (C.G.)

6. Smt P.Banik M..P.H.W.(A.N.M.) Primary Health Center Asna, Block Jagdalpur District Bastar (C.G.)

P.R. No. 4524/04 Presented by Shri A. Adilaxmi Rao dated 19.11.04

19.11.04

19.XI.04

(4) (2)

7. Smt. Prabha Joshi
M..P.H.W.(A.N.M.)
Primary Health Center
Asna, Block Jagdalpur
District Bastar (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUENCE OF WRIT IN THE NATURE OF MANDAMUS, PROHIBTION, CERTIORARI, AND ANY OTHER WRITS, DIRECTIONS OR ORDERS.

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4524 of 2004

Petitioner — Smt. K. Adilaxmi Rao

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Alok Devangan, Advocate for the petitioner.

Shri Utkarsh Verma, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 23rd day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Auxiliary Nursing Midwife in Sub Health Center, Asna, Block - Jagdalpur was transferred to Badekilepal, on the same terms and conditions vide impugned transfer order dated 9.11.2004 (Annexure P/6) within the same district Jagdalpur.
2. This Court vide interim order dated 10.3.2005 stayed the effect and operation of the impugned transfer order.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur